

## **AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in this application:

## **LISTING OF CLAIMS:**

Claims 1 to 6. (Canceled).

7. (Currently Amended) A device for providing a fatigue warning to a driver in a controlled motor vehicle traveling on a roadway, comprising:  
a driver sensor system for detecting a driver fatigue condition; and  
an alarm system including an environment sensor system and a setting device, wherein the alarm system is configured to one of output a warning signal and perform a control action when a distance between the controlled motor vehicle and a preceding vehicle drops below a warning distance, the control action including controlling at least one of a drive system and a brake system of the controlled motor vehicle, the warning distance being defined initially by a setpoint time gap, and wherein the setting device of the alarm system configured to modify the warning distance as a function of the detected driver fatigue condition.

8. (Currently Amended) The device as recited in Claim 7, wherein the ~~warning distance is defined by a~~ setpoint time gap ~~[[that]]~~ represents a time interval between the preceding vehicle and the controlled motor vehicle passing the same point on the roadway.

9. (Previously Presented) The device as recited in Claim 7, further comprising:  
an operator's control element assigned to the setting device, the operator's control element enabling the driver to manually set one of the warning distance and the setpoint time gap;

wherein the setting device is configured to override the one of the warning distance and the setpoint time gap manually set by the driver, depending on the detected driver fatigue condition.

10. (Previously Presented) The device as recited in Claim 8, further comprising:

an operator's control element assigned to the setting device, the operator's control element enabling the driver to manually set one of the warning distance and the setpoint time gap;

wherein the setting device is configured to override the one of the warning distance and the setpoint time gap manually set by the driver, depending on the detected driver fatigue condition.

11. (Previously Presented) The device as recited in Claim 9, wherein one of the warning distance and the setpoint time gap may be manually set with the aid of the operator's control element only within predefined limits, and wherein the setting device is configured to increase one of the warning distance and the setpoint time gap beyond the predefined limits if a driver fatigue condition is detected.

12. (Previously Presented) The device as recited in Claim 10, wherein one of the warning distance and the setpoint time gap may be manually set with the aid of the operator's control element only within predefined limits, and wherein the setting device is configured to increase one of the warning distance and the setpoint time gap beyond the predefined limits if a driver fatigue condition is detected.

13. (Previously Presented) The device as recited in Claim 8, wherein the driver sensor system is configured to output a parameter that quantitatively defines the driver fatigue condition, and wherein the setting device is configured to increase one of the warning distance and the setpoint time gap according to a monotonically increasing function of the parameter.

14. (Previously Presented) The device as recited in Claim 9, wherein the driver sensor system is configured to output a parameter that quantitatively defines the driver fatigue condition, and wherein the setting device is configured to increase one of the warning distance and the setpoint time gap according to a monotonically increasing function of the parameter.

15. (Previously Presented) The device as recited in Claim 13, wherein the alarm system is configured to be activated automatically when a driver fatigue condition is detected.

16. (Previously Presented) The device as recited in Claim 14, wherein the alarm system is configured to be activated automatically when a driver fatigue condition is detected.